

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AMENDING ARTICLE 10 DEFINITIONS, ABBREVIATIONS AND CONSTRUCTION OF TERMS, SECTION 10-15 DEFINITIONS OF ITS UNIFIED LAND DEVELOPMENT CODE TO REVISE THE DEFINITION OF HEIGHT: PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, the Town Council of Loxahatchee Groves, Florida, believes it is in the best interest of the Town to amend Article 10, Section 10-15 Definitions, of its adopted Unified Land Development Code (“ULDC”); and

WHEREAS, the Town Council directed staff, at its April 6, 2021, meeting to revise the ULDC definition of “Height”, as worded in Section 2 herein; and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council has conducted public hearings for the amendment of Article 10 Section 10-15 Definitions: and

WHEREAS, the Town Council finds that the adoption of this ordinance to revise the definition of “Height” in ULDC Article 10 Section 10-15 Definitions is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners, and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Town Council of the Town of Loxahatchee Groves, hereby amends the definition of the term “Height” in Article 10 Section 10-15 Definitions of the ULDC to read as follows:

“Height. For all buildings and structures, except as provided below, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs, and to the highest point of any non-roofed structure, ~~provided that any portion of the finished grade exceeding ten feet N.V.G.D. shall be included in the height calculation.~~ Sign height is defined within Article 90, “Signs.” ~~For structures other than buildings and signs, height shall be the vertical distance from the finished grade below the structure to the highest point of the structure, provided that the~~ The height calculation of structures placed on berms shall include the height of the berm”.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4: Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made part of the Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the sections of this ordinance may be renumbered, re-lettered, and the word “Ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 6: Effective Date. This ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF JULY 2021.

Council Member Maniglia offered the foregoing ordinance. Council Member

Danowski seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marge Herzog, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 3rd DAY OF AUGUST 2021.

Council Member Maniglia offered the foregoing ordinance. Council Member

Herzog seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marg Herzog, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Burch
Lakisha Burch-, Town Clerk

Robert Shorr
Robert Shorr-, Mayor

Laura Danowski
Laura Danowski-, Vice Mayor

Phillis Maniglia
Phillis Maniglia, Council Member

APPROVED AS TO LEGAL FORM:

Elaine V. Landon
Town Attorney

Marge Herzog
Marge Herzog, Council Member

Marianne Miles
Marianne Miles, Council Member